7811852(1)/2023/PROG-II-WDC01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Dept. for WCDA & SC – Welfare of Differently Abled - Persons with Disabilities – Guidelines for evaluation, assessment and procedure for certification of various specified disabilities under the Rights of Persons with Disabilities Act, 2016(Act No.49 of 2016)– Comprehensive orders – Issued.

Dept., for Women, Children, Differently Abled & Senior Citizens (Prog.II)

G.O. Ms. No.36 Dated:23.08.2023.

Read the following:

1. G.O.Ms.No.31, Women Development, Child Welfare & Disabled Welfare (DW) Department, Dt:01.12.2009.
2. G.O.Ms.No.54 of Department for Women, Children, Differently Abled & Sr. Citizens, Dt:10.11.2016.
3. The Rights of Persons with Disabilities Act, 2016 (Central Act No. 49 of 2016).
4. The Rights of Persons with Disabilities Rules, 2017, Dt:15.06.2017.
5. Government of India Notification No. 16-21/2013-DD-III, Dt: 26.04.2016.
6. Government of India Notification No. 16-09/2014-DD-III, Dt: 05.01.2018.
7. Government of India Notification No. 16-16/2017-DD-III, dt: 11.3.2019.
8. Government of India Notification No.38-01/2020-DD-III, Dt: 11.12.2020.
9. Government of India Notification No. 38-06/2021-DD-III, Dt: 05.05.2021.
10. Lr.No.D/2637/2021, Dt:29/10/2021 and 12/07/2023 of the Director, Welfare of Differently Abled, Transgender & Senior Citizens, A.P., Vijayawada.

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ORDER :

Vide G.O.s 1st& 2nd read above, orders were issued for evaluation of various disabilities and procedure for certification and constituting Medical Authorities for assessing degree of disability of persons with Disabilities and Appellate Medical Authorities, duly adopting the guidelines issued by the Government of India under the Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995 (1 of 1996).

2. The Government of India have enacted the Rights of Persons with Disabilities Act, 2016 by the Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995 (1 of 1996). The new Act came into force w.e.f.19.04.2017. The Government of India also notified the guidelines for certification of disability in the Rights of Persons with Disabilities Rules, 2017.

(P.T.O)

3. Vide reference 5th to 8th read above, the Government of India have notified the guidelines for evaluation, assessment and procedure for certification of various disabilities in persons included under Rights of Persons with Disabilities Act, 2016 after having considered the recommendations of the Ministry of Health, Medical and Family Welfare by superseding the existing guidelines under the Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995(1 of 1996).

4. Vide reference 9th read above, the Government of India have issued notification that Certificate of Disability shall be granted only through online on Unique Disability Identity care portal namely www.swavalambancard.gov.in (UDID) by the medical authorities.

5. In exercise of powers conferred by Section 38, 57 and 59 of the Rights of Persons with Disabilities Act, 2016(Act No.49 of 2016) and guidelines issued by the Government of India vide reference 5th to 8th read above and in supersession of the orders issued in the G.Os 1st & 2nd read above, Government after careful examination hereby issue the following comprehensive orders on evaluation of various specified disabilities under the Rights of Persons with Disabilities Act, 2016:

I. Definitions:

The definitions of the following disabilities as mentioned in the Rights of Persons with Disabilities Act, 2016 (Act No.49 of 2016) are adopted:

(1) "person with disability" means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;

(2) "person with benchmark disability" means a person with not less than forty percent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;

(3) "person with disability having high support needs" "person with disability having high support needs" means a person with benchmark disability certified under clause (*a*) of sub-section (*2*) of section 58 who needs high support;

(4) "specified disability" means the disabilities as specified in the Schedule of Rights of Persons with Disabilities Act, 2016 as follows:

i. Physical disability.

A. Locomotor disability:-(a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including—

(Contd..3)

(a) "leprosy cured person" means a person who has been cured of leprosy but is suffering from:

(i) loss of sensation in hands or feet as well as loss of sensation and Paresis in the eye and eye-lid but with no manifest deformity;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(iii) extreme physical deformity as well as advanced age which Prevents him/her from undertaking any gainful occupation, and the expression" leprosy cured" shall constitute accordingly;

(b) "cerebral palsy" means a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;

(c) "dwarfism" means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimetres) or less;

(d) "muscular dystrophy" means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterised by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;

(e) "acid attack victims" means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

B. Visual impairment:

(a) "blindness" means a condition where a person has any of the following conditions, after best correction:-

i. total absence of sight; or
ii. visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction; or
iii. limitation of the field of vision subtending an angle of less than 10 degree.

(b) "low-vision" means a condition where a person has any of the following conditions, namely:-

i. visual acuity not exceeding 6/18 or less than 20/60 upto 3/60 or Upto 10/200 (Snellen) in the better eye with best possible corrections; or

(Contd..4)

ii. limitation of the field of vision subtending an angle of less than 40 degree upto 10 degree.

C. Hearing impairment:-

a. "deaf" means persons having 70 DB hearing loss in speech frequencies in both ears;
b. "hard **of hearing"** means person having 60 DB to 70 DB hearing loss in speech frequencies in both ears;

D. "speech and language disability" means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

ii. Intellectual disability.

Intellectual disability, a condition characterised by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behaviour which covers a range of every day, social and practical skills, including—

1. **"specific learning disabilities"** means a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;
2. **"autism spectrum disorder"** means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviours.

iii. Mental behaviour.—

"Mental illness" means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by sub normality of intelligence.

iv. Disability caused due to.—

(a) **chronic neurological conditions, such as -**

(i) **"multiple sclerosis"** means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are

(Cont..5)

damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;

(ii) **"parkinson's disease"** means a progressive disease of the nervous system marked by tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine.

(b) **Blood disorder—**

(i) **"haemophilia"** means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterised by loss or impairment of the normal clotting ability of blood so that a minor would may result in fatal bleeding;

(ii) **"Thalassemia"** means a group of inherited disorders characterised by reduced or absent amounts of haemoglobin.

(iii) **"Sickle cell disease"** means a haemolytic disorder characterised by chronic anaemia, painful events, and various complications due to associated tissue and organ damage; "haemolytic" refers to the destruction of the cell membrane of red blood cells resulting in the release of haemoglobin.

v. Multiple Disabilities.— (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental and educational problems.

vi. Any other category as may be notified by the Central Government.

(5) Words and expressions used herein and not defined but defined in the Act shall have the meaning respectively assigned to them in the Act.

II. Evaluation and Issue of Disability Certificate:

(1) Medical Authorities.-

1. The guidelines for evaluation of various disabilities and procedure for certification and validity of certificate issued by the government of India in the reference 5th to 8th read above enclosed as annexures shall be followed.
2. The Government hereby constitutes the Certifying authority for certification of all disabilities mentioned in RPwD Act, 2016 and all Hospitals authorized by Medical and Health Family Welfare Department to give certificates for Persons with Disabilities as detailed below:

(Cont..6)

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Sl. No	Category of Disability	The Medical authority will comprise of
(i)	1. Loco motor disability 2. cerebral palsy, 3. Leprosy cured, 4. dwarfism, 5. acid attack victims 6. muscular dystrophy	The Medical Superintendent or Chief Medical Officer or Civil Surgeon. He shall be head of the certification Authority for the purpose of certification. 1. Specialist in Physical Medicine and Rehabilitation or Specialist in Orthopedics. 2. One specialist as nominated by Chief Medical Officer as per the condition of the person with disability.
(ii)	**Visual Impairment** 1. Blindness 2. low-vision	The Medical Superintendent or Chief Medical Officer or Civil Surgeon. He shall be head of the certification Authority for the purpose of certification. **a.** One ophthalmologist.
(iii)	**Hearing impairment** 1. deaf 2. hard of hearing 3. speech and language disability	The Medical Superintendent or Chief Medical Officer or Civil Surgeon. He shall be head of the certification Authority for the purpose of certification. 1. ENT Specialist. 2. One specialist (audiology / speech language pathologist) as nominated by the Medical Superintendent or Chief Medical Officer.
(iv)	**Intellectual disability** 1. Intellectual disability	The Medical Superintendent or Chief Medical Officer or Civil Surgeon. He shall be head of the certification Authority for the purpose of certification. 1.Pediatrician or Pediatric Neurologist (where available) Psychiatrist or Physician (if age>18 years) 2.Clinical or Rehabilitation Psychologist 3.Psychiatrist.

(Contd..7)

	2. Specific Learning Disability (SLD)	The Medical Superintendent or Chief Medical Officer or Civil Surgeon. He shall be head of the certification Authority for the purpose of certification. 1. Paediatrician or Paediatric Neurologist or Psychiatrist (where available) 2. Clinical or Rehabilitation Psychologist 3. Occupational therapist or Special Educator or Teacher trained for Assessment of Specific Learning Disability(SLD).
	3. Autism Spectrum disorder	The Medical Superintendent or Chief Medical Officer or Civil Surgeon. He shall be the head of the certification authority for the purpose of certification. 1. Clinical Psychologist/Rehabilitation Psychologist 2. A Psychiatrist 3. A Paediatrician or General Physician as the case may be
(v)	**Mental illness**	The Medical Superintendent or Chief Medical Officer or Civil Surgeon shall be head of the certification authority with the following two other members:- 1. Psychiatrist for clinical assessment. 2. Trained psychologist to administer IQ tests.
(vi)	**Disability caused due to Chronic neurological conditions** 1.multiple sclerosis 2.parkinson's disease	The Medical Superintendent or Chief Medical Officer or Civil Surgeon. He shall be the head of the certification authority with the following two other members:- 1. Pediatrics for childhood chronic, neurological conditions /psychiatrist for mental illness due to chronic neurological for chronic neurological conditions/neurologist condition without mental illness.

(Contd..8)

		2. Specialist for certifying loco motor disability. 3. Trained psychologist (clinical or rehabilitation to administer IQ test. (The disability certificate shall mention chronic neurological conditions (Name of disease))
(vii)	**Disability due to Blood disorder** A. hemophilia, B. thalassemia and C. sickle cell disease	The Medical Superintendent or Chief Medical Officer of the hospital Chairperson. 1. General physician or pediatrician as the case maybe 2. Orthopedic surgeon or PMR expert 3. In case specialties sequel relating to visual abnormality, hearing problem, cerebral dysfunction, respective Specialists
(viii)	**Multiple disabilities**	The Medical Superintendent or Chief Medical Officer or Civil Surgeon Chairperson. 1. Specialists required for assessing the disabilities as per the requirement of Respective guidelines.

3. Whenever required, the Superintendent /Chairman of the Medical authority may co-opt other Experts/Specialists from Government and also Private establishments in addition to members comprising in the Medical Authority.
4. Specified test as indicated in Annexures should be conducted by the Medical authority and recorded before certificate is issued.
5. The certificate would be valid for such period as may be specified in the guidelines issued by Government of India.
6. All the records pertaining to the assessment shall be kept in the custody of the concerned Superintendent of the Hospitals.
7. The Health, Medical and Family Welfare Department shall notify the sufficient medical authorities in the State for evaluation, assessment of Disabilities and certification.

(2) Application for certificate of disability.-

(i) Any person with specified disability may apply in Form IV for a certificate of disability and submit the application to–

(Contd..9)

(a)medical authority or any other notified competent authority to issue such a certificate in the district of residence of the applicant as mentioned in the proof of residence in the application; or

(b)the concerned medical authority in a government hospital where he may be undergoing or may have under gone treatment in connection with his disability:

Provided that where a person with disability is a minor or suffering from intellectual disability or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian or by any organization registered under the Act having the minor under its care.

(ii) The application shall be accompanied by -

(a) proof of residence;

(b) two recent passport size photographs; and

(c) Aadhaar number or Aadhaar enrollment number, if any.

Note: No other proof of residence shall be demanded from the applicant who has Aadhaar or Aadhaar enrollment number.

(3) Issue of certificate of disability.-

1. On receipt of an application under rule 17 of RPwD Rules, 2017, the medical authority or any other notified competent authority shall, verify the information as provided by the applicant and shall assess the disability in terms of the relevant guidelines issued by the Central Government and after satisfying itself that the applicant is a person with disability, issue a certificate of disability in his favour in Form V, VI and VII, as the case may be.
2. The medical authority shall issue the certificate of disability within a month from the date of receipt of the application.
3. The medical authority shall, after due examination-

   (a) issue a permanent certificate of disability in cases where there are no chances of variation of disability overtime in the degree of disability; or

   (b) issue a certificate of disability indicating the period of validity, in cases where there is any chance of variation overtime in the degree of disability.

4. If an applicant is found ineligible for issue of certificate of disability, the medical authority shall convey the reasons to him in writing under Form VIII within a period of one month from the date of receipt of the application.

(Contd..10)

(4) Validity of certificate of disability issued under the repealed Act:-

The certificate of disability issued under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) shall continue to be valid after commencement of the Act for the period specified therein.

III. Appellate Medical Authority:

(1) Any person aggrieved with decision of the Certifying authority may appeal in prescribed Form-A against such decision within 90 days from the date of issue of Certificate to the appellate authority as designated by the Health, Medical & Family Welfare Department.
(2) On receipt of an appeal, the appellate authority shall decide the appeal within one month.
(3) After having initial assessment any Person with Disability who is aggrieved with the opinion of the medical board is allowed with a provision to appeal (1st) to get second assessment in any hospital of his choice duly debarring the hospital in which she/he was initially assessed and excluding the doctors who assessed initially.
(4) If still he/she is aggrieved with the opinion of the second assessment (1st appeal), he/she is further allowed to go for 2nd appeal (3rd assessment) in any District Hospital or Teaching Hospital of his / her choice. The opinion of the Medical Board which conducted 3rd assessment (2nd appeal) is final.
(5) The Superintendent/ Chairman, Appellate Medical authority may co-opt other experts/Specialists whenever required from Government and Private Establishments.
(6) The 2nd appellate authority may review its earlier decisions.

IV. Authority and Assessment Board for High Support Needs at District level:

(1) "high support" means an intensive support, physical, psychological and otherwise, which may be required by a person with benchmark disability for daily activities, to take independent and informed decision to access facilities and participating in all areas of life including education, employment, family and community life and treatment and therapy;

(2) As per Section 38(1) of the Rights of Persons with Disabilities Act, 2016 the State Government hereby notifies the Assistant Director, Welfare of Differently Abled, Transgender & Senior Citizens as an Authority under High Support needs at District level.

(3) A Person with benchmark disability can apply to the Assistant Director, Welfare of Differently Abled, Transgender & Senior Citizens of respective District for the high support requirement.

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(4) The Assessment Board for Persons with Disabilities with High Support Needs are hereby constituted at District level as follows:

(1) Medical Superintendent of District Head Quarters Hospitals / Superintendent, Govt. General Hospital in the district	Chairperson;
(2)Assistant Director, Welfare of Differently Abled, Transgender & Senior Citizens.	Member;
(3) Five rehabilitation specialists [Physical Medicine & Rehabilitation or Orthopedic specialist, ENT specialist, Ophthalmologist, General Physician (if the applicant is 18 years or above), Psychiatrist, Pediatrician (if the applicant is less than 18 years), one among the five to be nominated by the Chairperson as per requirement.	Members;
(4)Occupational therapist or Speech therapist or Clinical Psychologist or Physiotherapist (as per requirement)	Member;
(5) Any other expert as the Chairperson deems appropriate	Member.

(5) "person with benchmark disability" having permanent Disability certificate are only eligible for applying high support requirements who shall apply to the Assistant Director Welfare of Differently Abled, Transgender & Senior Citizens of their respective districts in prescribed **Form – B**.

(6) On receipt of an application by the Assistant Director Welfare of Differently Abled, Transgender & Senior Citizens of their respective districts shall verify the information as provided by the applicant and shall refer to District level Assessment Board for Persons with Disabilities with High Support Needs.

(7) The Assessment board shall invite the applicant with High Support Requirement for assessment and may, if necessary, seek clinical assessment.

(8) The Assessment Board shall assess the applicant on the basis of the six parameters (a) to (f) and assign scores on the basis of the 100 point grades weightage indicated Chapter V(A) of the Rights of Persons with Disabilities (amendment) rules, 2019 in prescribed **Form – C**.

(9) After satisfying the person with benchmark Disability with score 60 out of 100 points mentioned therein may be recommended for high support needs in prescribed **Form – D.**

(10) The District level Assessment Board for Persons with Disabilities with High Support Needs shall submit its recommendation to the Assistant Director within a period of 90 Days from the date of receiving request for assessment from the Assistant Director.

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V. Final Authority:

The Director General of Health Services, Ministry of Health and Family Welfare, Government of India shall be the final authority to decide upon cases where any controversy or doubt arises in matters relating to interpretation of the definitions or classifications or evaluation procedure regarding the said guidelines.

VI. Action for fraudulently availing any benefit meant for Persons with Disabilities:

(1) All the Selection authorities, Appointing authorities and Sanctioning authorities shall carefully verify the Medical certificates produced by the individuals and verify the genuineness before selection, issue of appointment orders, sanction of benefits etc.

(2) Regarding doubtful cases of Persons with Disabilities, they may be referred to the Appellate Medical authority for confirmation or otherwise of disability status.

(3) Whoever fraudulently avail or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both as prescribed under section 91 of the Rights of Persons with Disabilities Act, 2016.

(4) Those who attempt to seek employment on the basis of false Certificate of Disability i.e. certificates obtained by misrepresentation/ clandestine manner etc., which tantamount to cheating shall also be debarred from Government employment permanently.

(5) Issue of disabilities Certificates to ineligible persons i.e., without following prescribed procedure/proper evaluation shall entail stringent action against all concerned.

6. Necessary modifications shall be made in SADAREM for evaluation assessment and certification of all the disabilities as per assessment guidelines under the Rights of Persons with Disabilities Act 2016, RPwD Rules, 2017 and Assessment Guidelines as notified by the Government of India.

7. The Technical service provider i.e. M/s APT Online through the Director, GVWV & VSWS (Grama volunteers/Ward volunteers & Village Secretariats / Ward Secretariats) Department, shall bring out necessary software for assessment of all disabilities in SADAREM work flow.

The Health, Medical and Family Welfare Department Andhra Pradesh, Welfare of Differently Abled, Transgender & Senior Citizens, A.P., Vijayawada, all the Departments and District Collectors shall take necessary action accordingly.

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These orders issues with the concurrence Dated.15.06.2023 of the Health, Medical & Family Welfare Department.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.JAYALAKSHMI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director, Welfare of Differently Abled, Transgender and Senior Citizens, A.P., Vijayawada .
The Director of Health, A.P,
The Director, Medical Education, A.P
The Commissioner, A.P. Vaidhya Vidhana Parishad,
All the District Collectors.
All the Superintendents, District Hospitals/Teaching Hospitals in the State
The Director, National Institute for the Mentally Handicapped

Copy to:
Law (E.I) Department
All the Departments in the Secretariat
All Heads of Departments
Secretary to G.O.I., MSJ&E, New Delhi
The Chief Commissioner for Persons with Disabilities, New Delhi
P.S to Prl. Secretary to C.M.
P.S. to Minister (WDCW&DW)
P.S. to Ministers (Medical Education & Health Insurance, Health & Family Welfare and Vaidya Vidhana Parishad & Hospital Services)
S.F./S.Cs (e-file Computer No. 1555943).

// FORWARDED::BY ORDER //

SECTION OFFICER